

# Exhibit E

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Plaintiffs

7

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9

UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11

12 IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

13

MDL NO. 1917

14 This Document Relates to:

PLAINTIFF NATHAN MUCHNICK,  
INC.'S RESPONSES TO DEFENDANT  
HITACHI AMERICA, LTD.'S FIRST SET  
OF INTERROGATORIES

15 ALL DIRECT PURCHASER ACTIONS

16

18 PROPOUNDING PARTY: HITACHI AMERICA, LTD.

19 RESPONDING PARTY: PLAINTIFF NATHAN MUCHNICK, INC.

20 SET NO.: ONE

21 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Nathan  
22 Muchnick, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America,  
23 Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as  
24 follows:

25 **GENERAL OBJECTIONS**

26 Each of the following objections is incorporated by reference into each of the responses  
27 herein:

28 1. Plaintiff and its counsel have not completed their (1) investigation of the facts

MDL NO. 1917

PLAINTIFF NATHAN MUCHNICK, INC.'S RESPONSES TO DEFENDANT HITACHI AMERICA, LTD.'S  
FIRST SET OF INTERROGATORIES

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following  
2 responses are therefore based upon information known at this time and are provided without  
3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence  
4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,  
5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,  
6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that  
7 inadvertent errors or omissions have been made.

8       2. Plaintiff generally objects to the Interrogatories, including the Instructions and  
9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and  
10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those  
11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in  
12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil  
13 Procedure.

14       3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to  
15 the extent the information sought is protected by the attorney-client privilege, the attorney work  
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to  
17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client  
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be  
19 asserted to protect any information from disclosure. Accordingly, any response or production of  
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and  
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22       4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient  
23 particularity the information and categories of information to be provided.

24       5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce  
25 documents outside its possession, custody, or control.

26       6. Plaintiff objects to the Interrogatories to the extent they are overly broad and  
27 unduly burdensome.

28       7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2       8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw  
3 legal conclusions.

4       9. Plaintiff objects to the Interrogatories to the extent the information requested is  
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6       10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of  
7 them, seek production of any information within the possession, custody, or control of any  
8 Defendant, or of publicly available information such that the information is obtainable from some  
9 other source that is more convenient, less burdensome or less expensive, or the production of the  
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11      11. Plaintiff objects to each and every interrogatory and also to the instructions  
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that  
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such  
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15      12. Plaintiff objects to the Interrogatories to the extent that they seek information  
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other  
17 such downstream data, because such information is not relevant to the claim or defense of any  
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*  
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,  
20 information other than that related to direct purchases of CRT Products from the named  
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*  
22 *Illinois*, 431 U.S. 720 (1977).

23      13. Plaintiff objects to the Interrogatories to the extent that they seek information that  
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to  
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no  
26 response should be construed to foreclose any such disclosure.

27      14. Plaintiff reserves the right to modify their allegations based on additional  
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

1 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light  
2 of further evidence and further analysis of present and subsequently acquired evidence.

3       15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff  
4 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,  
5 including evidence that Plaintiff expects to further develop through the course of discovery and  
6 expert analysis.

7       16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to  
8 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent  
9 proceeding in, or trial of, this or any other action for any purpose whatsoever.

10        17. No incidental or implied admissions are intended in these responses. Plaintiff's  
11 response to all or any part of any Interrogatory should not be taken as an admission that: (a)  
12 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or  
13 (b) Plaintiff has in its possession, custody or control documents or information responsive to that  
14 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's  
15 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver  
16 by Plaintiff of all or any part of its objection(s) to that interrogatory.

17       18. Plaintiff objects to the interrogatories to the extent they are duplicative of  
18 interrogatories served by other defendants in this litigation. To the extent these interrogatories  
19 seek answers that are duplicative to those requested by other interrogatories that have already been  
20 propounded on the direct purchaser class, or served at the same time as these interrogatories, the  
21 direct purchaser plaintiffs will only answer them once.

22 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests  
23 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

## RESPONSES

**25 | INTERROGATORY NO. I:**

26 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR  
27 responses to these interrogatories.

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,  
3 and without waiving, the foregoing objections, Plaintiff responds as follows: Eugene J. Muchnick,  
4 sole owner of Plaintiff Nathan Muchnick, Inc. at all relevant times.

5 **INTERROGATORY NO. 2:**

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including  
7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the  
8 IDENTITY of each PERSON involved in the sale and the time period and nature of each  
9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it  
16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is  
17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not  
18 respond to this interrogatory because it impermissibly calls for downstream information  
19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or  
20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.  
21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.  
22 2005).

23 **INTERROGATORY NO. 3:**

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT  
25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of  
26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the  
27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it  
6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is  
7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not  
8 respond to this interrogatory because it impermissibly calls for downstream information  
9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or  
10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.  
11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.  
12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that  
15 were a part of the sale, including without limitation all terms and conditions RELATING TO  
16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection  
17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it  
24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is  
25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not  
26 respond to this interrogatory because it impermissibly calls for downstream information  
27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or  
28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.  
2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and  
5 conditions that were a part of the sale, including without limitation all terms and conditions  
6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any  
7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it  
14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is  
15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not  
16 respond to this interrogatory because it impermissibly calls for downstream information  
17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or  
18 defenses of any party. See, e.g., *In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.  
19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.  
20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,  
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the  
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired  
25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
27 YOUR response.

28

1     **RESPONSE TO INTERROGATORY NO. 6:**

2         Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory  
 7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such  
 8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this  
 9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure  
 10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative  
 11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to  
 12 this interrogatory to the extent it calls for disclosure of information that is protected by the  
 13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from  
 14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other  
 15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it  
 16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and  
 17 34 and the applicable Local Rules of the United States District Court for the Northern District of  
 18 California. Subject to, and without waiving these objections, Plaintiff responds that it purchased  
 19 CRT Products; *see* response to Interrogatory No. 7 below.

20     **INTERROGATORY NO. 7:**

21         Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,  
 22 including without limitation their subsidiaries and affiliates, state for each calendar year of the  
 23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS  
 24 YOU acquired or sold.

25         As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
 26 YOUR response.

27     **RESPONSE TO INTERROGATORY NO. 7:**

28         Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

1 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
 2 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
 3 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
 4 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory  
 5 because it calls for downstream information concerning sales of CRTs by Plaintiff and such  
 6 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this  
 7 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure  
 8 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative  
 9 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to  
 10 this interrogatory to the extent it calls for disclosure of information that is protected by the  
 11 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from  
 12 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other  
 13 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it  
 14 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and  
 15 34 and the applicable Local Rules of the United States District Court for the Northern District of  
 16 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT  
 17 Products from the defendants may be derived from its production of documents at Bates range NM  
 18 00001-1322.

19 **INTERROGATORY NO. 8:**

20 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the  
 21 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT  
 22 PERIOD.

23 **RESPONSE TO INTERROGATORY NO. 8:**

24 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
 25 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
 26 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
 27 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
 28 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory

1 because it calls for downstream information concerning sales of CRTs by Plaintiff and such  
2 information is not relevant to the claims or defenses of any party. See, e.g., *In re Vitamins*  
3 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*  
4 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on  
5 the ground that it is duplicative of other interrogatories served in this action.

6 Subject to, and without waiving, the foregoing objections, Plaintiff Nathan Muchnick, Inc.  
7 responds that it purchased CRT Products; see response to Interrogatory No. 9 below.

8 **INTERROGATORY NO. 9:**

9 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the  
10 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the  
11 RELEVANT PERIOD.

12 **RESPONSE TO INTERROGATORY NO. 9:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
15 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
16 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
17 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory  
18 because it calls for downstream information concerning sales of CRTs by Plaintiff and such  
19 information is not relevant to the claims or defenses of any party. See, e.g., *In re Vitamins*  
20 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*  
21 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on  
22 the ground that it is duplicative of other interrogatories served in this action.

23 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect  
24 to its acquisition of CRT Products from defendants as follows: There were no negotiations over  
25 price or trade terms, but rather pricing was as set forth on the seller's price lists, subject to any  
26 standard allowances.

27 **INTERROGATORY NO. 10:**

28 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of

1 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with  
 2 knowledge of those specifications.

3 **RESPONSE TO INTERROGATORY NO. 10:**

4 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also  
 5 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
 6 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
 7 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
 8 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory  
 9 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and  
 10 without waiving, the foregoing objections, Plaintiff responds as follows: Plaintiff purchased CRT  
 11 Products; *see* response to Interrogatory No. 11 below.

12 **INTERROGATORY NO. 11:**

13 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of  
 14 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS  
 15 with knowledge of those specifications.

16 **RESPONSE TO INTERROGATORY NO. 11:**

17 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also  
 18 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly  
 19 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks  
 20 information entirely irrelevant to the issues raised and damages claimed in this case and is not  
 21 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory  
 22 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and  
 23 without waiving, the foregoing objections, Plaintiff responds as follows: There were no product  
 24 "specifications" other than that purchases of CRT Products were made on a basis of what Plaintiff  
 25 expected people to buy. The person most knowledgeable about Plaintiff's CRT Product  
 26 purchasing practices during the relevant period is Eugene J. Muchnick. In addition, the answer to  
 27 this interrogatory may be derived from Plaintiff's production of documents at Bates range NM  
 28 00001-1322.

1     **INTERROGATORY NO. 12:**

2                 Separately, with respect to each CRT that YOU acquired during the RELEVANT  
 3 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of  
 4 the allegations in the Complaint.

5                 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
 6 YOUR response.

7     **RESPONSE TO INTERROGATORY NO. 12:**

8                 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
 9 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent  
 10 Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent  
 11 authority for the view that the wisest general policy is to defer propounding and answering  
 12 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust  
 13 Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their  
 14 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is  
 15 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to  
 16 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take  
 17 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent  
 18 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert  
 19 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or  
 20 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory  
 21 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material  
 22 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
 23 also objects to this interrogatory to the extent it calls for disclosure of information that is protected  
 24 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune  
 25 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations  
 26 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local  
 27 Rules of the United States District Court for the Northern District of California.

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1     **INTERROGATORY NO. 13:**

2                 Separately, with respect to each CRT PRODUCT that YOU acquired during the  
 3 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were  
 4 overcharged as a result of the allegations in the Complaint.

5                 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports  
 6 YOUR response.

7     **RESPONSE TO INTERROGATORY NO. 13:**

8                 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff  
 9 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*  
 10 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent  
 11 authority for the view that the wisest general policy is to defer propounding and answering  
 12 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*  
 13 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their  
 14 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is  
 15 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to  
 16 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take  
 17 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent  
 18 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert  
 19 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or  
 20 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory  
 21 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material  
 22 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff  
 23 also objects to this interrogatory to the extent it calls for disclosure of information that is protected  
 24 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune  
 25 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations  
 26 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local  
 27 Rules of the United States District Court for the Northern District of California.

28

1 DATED: July 7, 2010

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Interim Lead Counsel for the Direct  
Purchaser Plaintiffs

## **VERIFICATION**

I, Eugene J. Muchnick, at all relevant times have been the sole owner of Plaintiff Nathan Muchnick, Inc. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Nathan Muchnick, Inc.'s Responses to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed this 7th day of July, 2010 in West Conshohocken, Pennsylvania.



A handwritten signature in black ink, appearing to read "Eugene J. Muchnick". The signature is fluid and cursive, with a long, sweeping line on the left and more compact letters on the right.

Eugene J. Muchnick

kal531645